

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 12/21/09

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NELSON REYES,

Plaintiff,

-against-

LIONEL LORQUET, ET AL.,

Defendants.  
-----X

07 Civ. 870 (RJH)(KNF)

**ORDER**

On November 9, 2009, Magistrate Judge Kevin N. Fox issued a Report and Recommendation ("Report") dismissing plaintiff's complaint for failure to prosecute the action. To date, the Court has neither received any objections to the Report nor any other communication, such as a letter requesting an extension of time in which to file objections, from the plaintiff.

The district court adopts a Magistrate Judge's report and recommendation when no clear error appears on the face of the record. *See Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). However, the court is required to make a de novo determination of those portions of a report to which objection is made, 28 U.S.C. § 636(b)(1)(C), by reviewing "the Report, the record, applicable legal authorities, along with Plaintiff's and Defendant's objections and replies." *Badhan v. Lab. Corp. of Am.*, 234 F. Supp. 2d 313, 316 (S.D.N.Y. 2002). The court may then accept, reject, or modify in whole or in part recommendations of the Magistrate Judge. *See Nelson*, 618 F. Supp. at 1189. If a party fails to object to a report within 14 days of being served with the report, that party waives

their right to object and appellate review of the district court's decision adopting the report, absent unusual circumstances, is precluded. *See United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997).

The Court finds that no clear error appears on the face of the record and hereby adopts the Report. The Clerk shall close this case.

SO ORDERED.

Dated: New York, New York  
December 18, 2009

A handwritten signature in black ink, appearing to read 'R. Holwell', is written above a horizontal line.

Richard J. Holwell  
United States District Judge